

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-41

INTRODUCED BY:

Councilor Bill Dimas

AN ORDINANCE

**AMENDING ARTICLE IX AND ARTICLE XII OF THE UNIFORM TRAFFIC
ORDINANCE TO ESTABLISH THAT ALL PARKING VIOLATIONS ARE CIVIL
PARKING VIOLATIONS AND SUBJECT TO ADMINISTRATIVE ADJUDICATION AND
COLLECTION BY AN EXTERNAL ADMINISTRATIVE AND COLLECTION AGENCY;
AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE
PURPOSES OF THIS ORDINANCE.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Article 12-9 of the City of Santa Fe Uniform Traffic Ordinance (being
Ord. #2011-4, as amended) is amended to read:**

12-9-1 ADMINISTRATION. The parking division director has the authority to
administer the provisions of Article 12-9.*

12-9-2 DEFINITIONS. As used in this Article:

Civil parking violation means the act of parking a vehicle in violation of Section 12-9-3 of
the Uniform Traffic Ordinance.

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1 Covered parking meter means a meter that is covered with an official city meter bag and
2 therefore not a valid metered parking space.

3 *Default* means the failure to pay a fine or to timely pay a fine pursuant to a decision of a
4 hearing officer under Section 12-9-4 of the Uniform Traffic Ordinance.

5 Extending meter time means purchasing time at a metered parking space beyond the
6 maximum time permitted at that specific metered space.

7 *Hearing officer* means a person appointed by the city manager to resolve disputes under
8 Section 12-9-4 in an administrative hearing.*

9 *Law enforcement officer* means a person who has successfully completed the New Mexico
10 department of public safety training and recruiting division accredited satellite program and passes
11 the law enforcement officer certification examination. (10-29.5.11 NMAC)

12 Meter holiday means payment at a parking meter is not required on days established by the
13 parking division director as meter holidays.

14 *Parking enforcement officer* means a city of Santa Fe employee who is commissioned to
15 issue parking fine notifications and citations.*

16 *Parking fine notification*, as used in Section 12-9-4, includes the following:

17 (1) *City parking lot or garage insufficient payment notice* means a written notice
18 affixed to the windshield of the vehicle or handed to the patron upon exiting a city parking lot
19 or garage by a city of Santa Fe parking attendant or other person authorized by the city of
20 Santa Fe, for failure to provide sufficient payment for the mandatory parking fees at a city
21 parking lot or garage.

22 (2) *City parking meter violation notice* means a written notice affixed to the
23 windshield of the vehicle by a city of Santa Fe parking enforcement officer, parking
24 attendant, police officer or other person authorized by the city of Santa Fe, for failure to pay
25 the mandatory parking fees at a city parking meter.

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(3) Parking violations and associated fines listed in Schedule B located at the end of this section.

Parking division director means the director of the city of Santa Fe parking division and parking violations bureau or his or her designee.

Parking meter means:

(1) Multi-space parking meter, including a pay and display machine that is a type of ticket machine used for regulating parking in city parking lots or garages for one or more spaces; and

(2) Single-space parking meter that regulates on street parking for one space.

Parking violations bureau means the entity of the city of Santa Fe parking division that is charged with the administration of parking violations.*

12-9-3 PARKING REGULATIONS

12-9-3.1 AUTHORITY TO ESTABLISH PARKING METER ZONES.

A. The parking division director may establish parking meter zones in which the parking of vehicles upon streets or parts of streets shall be regulated by parking meters between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sunday and ~~[public]~~ meter holidays.

B. The parking division director may limit the period of time for which parking is lawfully permitted in any parking meter zone ~~[in which]~~ where meters are located regardless of the ~~[number of coins deposited in]~~ value of the payment made at a meter.

C. The parking meter zone may be ~~[diminished]~~ reduced or extended and enlarged, or other parking meter zones may be created as established by the parking division director.*

12-9-3.2 INSTALLATION OF PARKING METERS (formerly 12-9-2).

A. The parking division director shall install parking meters in established parking meter zones.

B. Parking meters may be single-space or multi-space meters which shall be

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1 conveniently placed on the curb [~~immediately~~] adjacent to [~~each~~] designated metered parking spaces.

2 C. Parking meters shall be capable of being operated, either automatically or
3 [~~mechanically~~] manually. Payment shall be considered made upon [~~the deposit of a twenty-five cent~~
4 ~~coin, ten-cent coin or five-cent coin. The parking division director may implement other methods of~~
5 ~~payment, such as cash, smart cards, keys, credit cards and debit cards~~] receipt of the minimum
6 amount required to rent a metered parking space for a pre-established fixed amount of time. The
7 payment shall be in United States currency in the form of coins, credit or debit cards and/or any other
8 method of payment as determined by the parking division director including, but not limited to, pay-
9 by-phone or smart-card.

10 D. [~~Each p~~] Parking meters shall be [~~designed, constructed, installed and set so that an~~
11 ~~appropriate signal will indicate~~] capable of showing from a reasonable distance the time of expiration
12 of the [lawful] parking meter [period which was registered by the deposit of payment as provided
13 herein]. A receipt obtained from a multi-space parking meter shall display the purchased amount of
14 time and the time of expiration for such payment.

15 E. During the [~~lawful~~] paid parking meter period [~~registered by the deposit of payment~~]
16 and prior to the expiration of the [~~lawful~~] paid parking meter period, the meter shall clearly indicate
17 the [~~interval~~] amount of time which [~~remains of such period~~] has been paid for.

18 F. Each parking meter shall [~~bear a legend indicating~~] display the days and hours when
19 the requirement to [~~deposit payment~~] pay the metered space shall apply, the value [~~of the coins~~]
20 purchased for each type of coin or payment [to be deposited] charged to a credit, debit or smart card
21 and the limited period of time for which paid meter parking is lawfully permitted in the parking meter
22 zone in which such meter is located.*

23 12-9-3.3 PARKING METER SPACES

24 A. The parking division director shall designate [~~the~~] parking space or parking spaces
25 adjacent to [~~each~~] single-space or multi-space parking meters for which the meter is to be used by

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appropriate markings, including signage, upon the curb or the pavement of the street or both.

B. Designated parking meter spaces shall be of appropriate length and width so as to be accessible from the traffic lanes of the street.

C. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating the space. However, a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when ~~[coins of the appropriate denominations have been deposited in the parking meter for each space so occupied]~~ payment has been made for each metered space that is occupied. (*)

12-9-3.4 PARKING TIME LIMITS. Parking or standing a vehicle in a designated space in parking meter zones shall be lawful upon ~~[the deposit of legal coins as]~~ payment of the required fee indicated on ~~[each]~~ the parking meter. However, parking or standing a vehicle in a designated metered parking space beyond the permitted parking time limit indicated on the parking meter is prohibited. (*)

12-9-3.5 DEPOSIT OF COINS OR OTHER METHOD OF PAYMENT.

A. No person shall park a vehicle in any parking space regulated by a parking meter between the hours 8:00 a.m. and 6:00 p.m. on any day except Sundays and ~~[public]~~ meter holidays unless a ~~[coin or coins of the appropriate denomination or other method of]~~ payment as provided in this ordinance ~~[have been deposited therein]~~ has been made and the meter has been ~~[placed in operation]~~ activated to indicate that the parking space has been rented.

B. No person shall ~~[shall permit a vehicle within his control to be parked]~~ park a vehicle in any space regulated by a parking meter between the hours of 8 a.m. and 6 p.m. on any day except Sundays and ~~[public]~~ meter holidays while the parking meter for the space indicates by signal that the lawful parking time in the space has expired. This provision does not apply to the act of parking or

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1 the necessary time which is required to ~~[deposit]~~ immediately thereafter ~~[a coin or coins in the meter]~~
2 pay for parking at a meter.

3 C. No person shall park a vehicle in any parking meter space for a consecutive period of
4 time longer than the limited period of time for which parking is lawfully permitted in the parking
5 meter zone in which the meter is located, irrespective of the ~~[number or amounts of coins or other~~
6 ~~payment method as provided in this ordinance deposited in the meter]~~ amount paid at the meter.

7 D. Failure to ~~[deposit proper coin or coins or other payment method]~~ pay a parking
8 meter as provided in this ordinance constitutes a violation of this ordinance.

9 E. Upon expiration of the legal parking time, it is the duty of the owner or driver of the
10 vehicle to remove the vehicle from the parking space.

11 F. It is unlawful for any person to cause, allow^[5] or permit ~~[or suffer]~~ a vehicle
12 registered in ~~[his]~~ their name or that of another person or entity when said vehicle is in their control to
13 be parked or to stand ~~[overtime]~~ or remain in the parking space beyond the specified parking time
14 limit.

15 G. The provisions of this section shall not apply in a period of emergency determined by
16 an officer of the fire department or the police department or in compliance with the directions of a
17 police officer or traffic-control device.

18 H. The provisions of this section shall not relieve any person from the duty to observe
19 other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing
20 or parking of vehicles in specified places or at specified times.(*)

21 **12-9-3.6 USE OF SLUGS PROHIBITED.** No person shall deposit or attempt to
22 deposit in any parking meter any slug, button or any other device or substance as substitutes for coins
23 of United States currency or other method of payment as provided in this ordinance.(*)

24 **12-9-3.7 TAMPERING WITH METER.** No person shall deface, injure, tamper
25 with, open or willfully break, destroy or impair the usefulness of any parking meter. A violation of

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1 this section shall be considered a civil parking violation and shall be abated by the payment to the city
2 of the fine set forth in 12-9-4.5 and, at the election of the city, the city's actual damages.(*)

3 **12-9-3.8 PRESUMPTION OF UNLAWFUL PARKING.**

4 A. When the "violation" indicator is showing on a parking meter to indicate the
5 expiration of the lawful parking meter period for which coins or other method of payment as provided
6 in this ordinance have been deposited, it shall be presumptive evidence that any vehicle found parked
7 in a regulated parking space without evidence of payment is parked ~~[in violation]~~ unlawfully.

8 B. ~~[It is unlawful and an offense for any person to deposit or cause to be deposited in a~~
9 ~~parking meter covering a metered parking stall which he has already occupied for the meter specified~~
10 ~~time limit any coins or other method of payment as provided in this ordinance for the purpose of~~
11 ~~extending parking time beyond the total lawful parking period designated for the parking meter zone~~
12 ~~in which the meter is located]~~ It is unlawful and an enforceable offense for any person to pay a
13 parking metered space and remain in the metered parking space beyond the maximum parking time
14 permitted at any specific metered space.

15 C. It is unlawful and an enforceable offense for any person to park a vehicle at a covered
16 meter or to remove an official city installed meter bag and pay a covered parking meter for use as a
17 valid parking space. (*)

18 **12-9-3.9 PARKING IN DESIGNATED ADA ACCESSIBLE PARKING**
19 **SPACES.**

20 A. It is unlawful for any person to park a motor vehicle not carrying registration plates
21 or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section 3-51-
22 46 NMSA 1978 in a designated accessible parking space for persons with significant mobility
23 limitation or in such a manner as to block access to any part of a curb cut designed for access by
24 persons with significant mobility limitations. Any person who violates this section shall be subject to
25 a mandatory court appearance and a fine, of not less than two hundred fifty dollars (\$250) or more

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1 than five hundred dollars (\$500). Failure to properly display a parking placard or special registration
2 plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of
3 Subsection A of this section (66-7-352.5 NMSA 1978)

4 B. It is unlawful for any person to stand or stop a motor vehicle not carrying registration
5 plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section
6 3-51-46 NMSA 1978 in a designated accessible parking space for persons with significant mobility
7 limitation. Any person who violates this section shall be subject to a mandatory court appearance and
8 a fine, of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500).
9 Failure to properly display a parking placard or special registration plate issued pursuant to Section
10 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A of this section
11 (66-7-352.5 NMSA 1978).

12 C. It is unlawful for any person to use a designated accessible parking space for persons
13 with significant mobility limitation for the purpose of receiving or discharging passengers or for
14 loading or unloading if the vehicle receiving or discharging the passengers or loading or unloading
15 does not carry registration plates or a placard indicating disability in accordance with Section 66-3-16
16 NMSA 1978 and Section 3-51-46 NMSA 1978. Any person who violates this section shall be subject
17 to a mandatory court appearance and a fine, of not less than two hundred fifty dollars (\$250) or more
18 than five hundred dollars (\$500). Failure to properly display a parking placard or special registration
19 plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of
20 Subsection A of this section (66-7-352.5 NMSA 1978).

21 D. As used in this section, "designated accessible parking space" means any space
22 including an access aisle, marked and reserved for the parking of a vehicle that carries registration
23 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and
24 Section 3-51-46 NMSA 1978, and designated by a conspicuously posted sign bearing the
25 international symbol of accessibility and if paved, by a clearly visible depiction of this symbol

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1 painted white on blue on the pavement of the space, except where the total number of parking spaces
2 is four or less. Temporary accessible parking spaces may be designated by a blue hood labeled as
3 accessible parking or in such other manner as to clearly indicate the space is for accessible parking
4 only. "Curb cut" means a short ramp through a curb or built up to the curb designed for access by
5 persons with disabilities. (66-7-352.5 NMSA 1978).

6 E. Any vehicle parked in violation of Subsections A, B or C of this section is subject to
7 being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or
8 by the property owner or ~~[manager of a parking lot]~~ parking division director.

9 F. State, county and municipal law enforcement personnel, including city of Santa Fe
10 parking enforcement officers, have the authority to issue citations for violations of §12-9-3.9 in their
11 respective jurisdictions, whether the violation occurs on public property or private property (Section
12 3-51-46 NMSA 1978).

13 G. A law enforcement officer may issue a citation or authorize towing of a vehicle for a
14 violation of Section A of this section regardless of the presence of the driver (66-7-352.5 NMSA
15 1978). (Ord. No. 2006-34, Ord. No. 2007-49, Ord. No. 2009-11)

16 **12-9-3.10 SPECIAL REGISTRATION PLATE OR PARKING PLACARD**
17 **INDICATING DISABILITY.**

18 A. Vehicles displaying a valid special registration plate or parking placard pursuant to
19 Section 66-3-16 (1999) NMSA 1978 and Section 3-51-46 NMSA 1978 are exempt from the payment
20 of any parking fee imposed by the city of Santa Fe but shall not be exempt from any penalty or other
21 provisions of the Santa Fe City Code or of this Ordinance.

22 B. Vehicles displaying a valid special registration plate or parking placard pursuant to
23 Section 66-3-16 (1999) NMSA 1978 and Section 3-51-46 NMSA 1978 shall be permitted to park for
24 unlimited periods of time in parking zones where the length of time for parking is normally restricted
25 and no penalty shall be imposed for such parking subject, however, to the following limitations. The

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provisions of this section do not pertain to zones where stopping, standing or parking is prohibited, zones reserved for special types of vehicles, zones where parking is prohibited during certain hours of the day in order to facilitate traffic, during those hours when parking is prohibited, and zones subject to similar regulation because parking presents a traffic hazard.

C. All special registration plate or parking placard issued pursuant to Section 66-3-16 (1999) NMSA 1978 shall expire on the same date as the person's driver's license or identification card issued pursuant to Section 66-5-401 NMSA 1978.

D. A special registration plate or parking placard displayed on a vehicle parked in a designated accessible parking space in the absence of the holder of that plate or placard, is subject to immediate seizure by a law enforcement official or parking enforcement officer and if seized shall be delivered to the parking division within ~~[72]~~ twenty-four (24) hours. Failure to surrender the parking placard on demand of a law enforcement officer or parking enforcement officer is a petty misdemeanor and ~~[publishable]~~ punishable by a fine not to exceed \$100.00.*

12-9.3.11 CITY PARKING LOTS AND GARAGES.

A. It is unlawful for any person to park a vehicle in a city parking lot or garage without providing sufficient payment for the period of time the vehicle ~~[was]~~ is parked.

B. It is unlawful for any person to deposit or attempt to deposit in any parking meter located in a city parking lot or garage, any slug, button or any other device or substance as substitutes for coins of United States currency or other method of payment as provided in this ordinance.

C. It is unlawful for any person to deface, ~~[injure,]~~ tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. This civil parking violation shall be abated by payment of the city's actual damages plus the fine set forth in 12-9-4.5. A violation of this section shall be considered a civil parking violation and shall be abated by the payment to the city of the fine set forth in 12-9-4.5 and, at the election of the city, the city's actual damages.

D. The provisions of this section shall not apply in a period of emergency determined by

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an officer of the fire department or the police department or in compliance with the directions of a police officer or traffic-control device.

E. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.*

12-9-4 CIVIL PARKING VIOLATION

12-9-4.1 AUTHORITY; TITLE.

Section 12-9-4 is adopted pursuant to the statutory grant of authority contained in Sections 3-17-1 and 3-18-17A NMSA 1978 and shall be referred to as the "Civil Parking Violation Ordinance". This Section shall be effective and enforced within the geographical boundaries of the city of Santa Fe.*

12-9-4.2 PURPOSE AND INTENT.

A. It is the intent of the governing body by adopting this Section to ~~[abate]~~ decriminalize the following ~~[civil]~~ parking violations and deem them as civil offenses:

(1) ~~[Civil-p]~~ Parking violations caused by persons who park in city-owned metered spaces or city parking lots and garages and fail to make the required payments or remain parked after the paid period of time has expired; and

(2) Parking violations caused by persons who park in violation of posted signs, residential permit parking zones, painted curbs and restricted zones, or any other violation listed in Schedule B of the Uniform Traffic Ordinance.

(3) ~~[Civil parking violations caused by persons who aggregate numerous parking fine notifications and fail to pay fines assessed by the parking violations bureau.]~~

B. The governing body declares that this section is a civil parking violation abatement measure enacted pursuant to the city's inherent authority under state law and that the remedies are purely civil and not criminal in nature.*

12-9-4.3 CIVIL PARKING VIOLATIONS.

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1 It is a civil parking violation for any person to park a vehicle in violation of Schedule B of the
2 Uniform Traffic Ordinance.

3 **12-9-4.4 FINES AND PENALTIES.**

4 [A. ~~The fines for civil parking violations shall be:~~

<u>Civil Parking Violations</u>	<u>UTO Section</u>	<u>Fine</u>
Occupying more than one parking meter space	12-9-3.3(C)	\$27.00
Parking time limits	12-9-3.4	\$16.00
Deposit of coins or other method of payment	12-9-3.5	\$16.00
Use of slugs	12-9-3.6	\$16.00
Tampering with meter	12-9-3.7	\$16.00
Unlawful parking violation indicator is showing	12-9-3.8(A)	\$10.00
Unlawful parking covered parking meter	12-9-3.8(B)	\$27.00
City parking lot and garage civil parking violations	12-9-3.11	\$10.00

15 B. ~~Fines are subject to a \$25.00 additional penalty if the fine is not paid within fifteen~~
16 ~~(15) days from receipt of the fine.~~

17 C. ~~Fines shall be paid to the city:~~

18 (a) ~~by mailing a check or money order to city of Santa Fe parking violations~~
19 ~~bureau P.O. Box 909 Santa Fe New Mexico 87504-0909; or~~

20 (b) ~~by depositing a check, money order or cash in a yellow collection box~~
21 ~~located on parking meters around the down town area; or~~

22 (c) ~~by telephone with a city accepted form of credit card; or~~

23 (d) ~~online, on the city of Santa Fe website; or~~

24 (e) ~~in person at locations designated by the city.~~

25 ~~Upon receipt, the parking violations bureau shall issue a receipt for payment of the fine.]~~

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1 A. Original Fines are subject to additional penalties if the fine is not paid or citation is not
2 appealed within fifteen (15) calendar days from date of issue of the citation or date of first notice.

3 Penalties for all parking violations will be assessed as follows:

4 (1) First Penalty: Double of Original Fine Amount if not paid by original due
5 date.

6 (2) Second Penalty: Total Amount of first penalty + 30% if not paid by second
7 due date.

8 B. Disabled parking violation fees are subject to a \$250.00 additional penalty if the fine is
9 not paid within fifteen (15) days from date of issue of the citation or notice.

10 C. Fines shall be paid to the city:

11 (1) with a check or money order payable to the city of Santa Fe parking
12 violations bureau ; or

13 (2) by telephone with a city-accepted form of credit or debit card; or

14 (3) online, on the city of Santa Fe website; or

15 (4) in person at locations designated by the city.

16 Upon receipt, the parking violations bureau shall close the citation account from any further action.

17 **12-9-4.5 Enforcement.**

18 *A. Parking Fine Notification.*

19 (1) **Form and contents.** The parking fine notification shall state and contain the
20 license plate number, the date and time of the parking fine notification; the type of violation,
21 the location of the violation, the amount of the fine, the due date and address [~~of the parking~~
22 ~~violations bureau~~] where payment shall be mailed or paid in person. The parking fine
23 notification shall conspicuously and in bold face type state; "Failure to pay this fine on time
24 may lead to serious legal consequences including the assessment of additional fines [~~and~~
25 ~~monies due~~]." The parking fine notification shall inform the registered owner that within

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1 fifteen (15) days of the date of issue of the parking [fine-notification] citation or due date of
2 notice, the owner may either pay the fine or submit a request for hearing to the parking
3 violations bureau on a form provided by the parking violations bureau, in accordance with
4 Subsection 12-9-4.6(B)(2) SFCC 1987.

5 (2) **Delivery.** Correspondence from the city regarding parking [fine
6 notifications] citations shall be delivered to the address of the registered owner of a vehicle
7 which has received a parking violation citation according to the address registered with the
8 [department of] motor vehicles department ([DMV]MVD). The registered owner has a duty
9 to timely notify [DMV] MVD of a change of address or if vehicle was stolen. The failure to
10 do so does not entitle the registered owner to assert the defense of inadequate notice. The
11 mailing of a parking [fine] citation notification to the address of the registered owner of a
12 vehicle according to the records of [DMV] MVD is constructive notice of a parking [fine]
13 citation notification.

14 B. *Response to a Parking [Fine]Citation Notification.* Within fifteen (15) days from the
15 date of issuance of the [parking fine-notification] citation or from the date of first notice, the
16 registered owner shall pay the fine or submit a request for a hearing.

17 (1) *Payment of the parking fine.* Upon receipt of the parking [fine] citation
18 notification, the recipient may elect to [admit] acknowledge the violation and pay the fine. To
19 proceed under this paragraph, the recipient shall [admit] acknowledge the violation by
20 signing and dating the parking [fine] citation notification on a space provided and returning
21 the parking [fine] citation notification with payment to the parking violations bureau within
22 fifteen (15) days from the date of issuance of the citation. The city may, but is not required to,
23 adopt procedures for alternative methods of payment of [fines] citations using the internet or
24 other on-line services. There shall be a fifty dollar (\$50.00) penalty for any payment tendered
25 that is not honored or is returned for any reason.

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1 ~~[(2) *Request for hearing.* The recipient of a parking fine notification may submit~~
2 ~~a request for hearing on a form provided by the parking violations bureau by so indicating~~
3 ~~and returning the parking fine notification to the parking violations bureau within fifteen (15)~~
4 ~~days of the date of issuance of the parking fine notification. There is no fee for a hearing. The~~
5 ~~hearing officer shall schedule a hearing.]~~

6 (2) *Request for administrative review.* The recipient of a parking citation may
7 submit in writing within fifteen (15) days from the date of issuance of the parking citation or
8 date of notice, a request for an administrative review of their citation. Parking violations
9 bureau staff will conduct an administrative review of the evidence provided and make a
10 decision of the citizen's review request. Parking violations bureau staff will then notify the
11 appellant within ten (10) business days of the decision. Parking violations bureau staff shall
12 then verify citation status, including the disposition following administrative review, whether
13 the fine has been paid, and shall confirm whether an administrative hearing request has been
14 made within fifteen (15) days following the mailing of the notice of the results of the
15 administrative review.

16 (3) *Request for administrative hearing.* If all parking violations bureau defined
17 requirements are met, and a request for an administrative hearing has been received within
18 fifteen (15) days following the mailing of the notice of the results of the administrative
19 review, parking violations bureau staff shall schedule a hearing with the hearing officer
20 within five (5) business days from date of receipt of the request for an administrative hearing
21 from the registered owner. The administrative hearing date will be selected based on the
22 hearing officer's schedule and availability. Citizen's availability will be accommodated based
23 upon the hearing officer's availability. An amount equal to the original citation fine amount
24 shall accompany a request for an administrative hearing, and this payment will be held as a
25 deposit until a decision has been made by the hearing officer. If the decision of the hearing

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1 officer is in favor of the hearing requestor, then the deposited amount will be returned to the
2 registered owner of the vehicle, or if the deposit was made in the form of a check, then the
3 deposit will be returned the account holder of the checking account.

4 If the hearing officer decides to uphold the citation, then the deposited amount shall
5 be applied to other unpaid parking citations directly linked to the registered owner in the
6 order of the oldest citation being paid first until the deposited amount is fully consumed.
7 Should a balance of the deposited amount remain after all outstanding citations have been
8 paid, then the remaining balance will be returned to the registered owner, or if the deposit was
9 made in the form of a check, then the balance of the deposit will be returned to the account
10 holder of the checking account.

11 (4) If an appeal is denied by the hearing officer, the appellant may file an appeal
12 in the first judicial district court, county of Santa Fe, under Rule 1-074 NMRA. If the court
13 rules in favor of the appellant, the citation account will be closed, no further action by the
14 appellant will be necessary, and the amount of the citation which was previously deposited
15 with the city will be reimbursed to the appellant by the parking violations bureau.

16 C. Revenue. The revenue generated through parking violation fines, penalties, fees,
17 hearings and collections shall be retained by the city's parking division. The parking division shall be
18 responsible for paying all costs associated with the hearing officer, or a collection contract or other
19 contractors that assist the city in imposing and collecting parking violation fines and penalties, and
20 other costs or fees.

21 [C]D. Default with forfeit of hearing on the merits. If the city does not receive payment of
22 the fine or a request for a hearing within fifteen (15) days from the date of issuance of the parking
23 [fine notification] citation or notice, the registered owner is in default. Default automatically results in
24 liability to the registered owner of the vehicle for the violation and the registered owner is barred
25 from requesting or obtaining any hearing [on the merits of the parking fine] after the date of the

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1 default. ~~[A default results in an additional penalty of twenty five dollars (\$25.00)]~~ Additional
2 penalties as defined in 12-9-4.4A will be added to the original fine amount for all non-disability
3 parking citations. The parking violations bureau shall mail the notice of default to the defaulting
4 party. The notice of default shall inform the recipient that they have fifteen (15) days from the date of
5 mailing of the notice of default to pay the fine and default penalty. If the default is not cured within
6 fifteen (15) days, the city may pursue all remedies for collection of a debt including turning over the
7 amount to an outside collection agency and reporting to all major credit bureaus and is entitled to an
8 award of reasonable attorney's fees incurred. An uncured notice of default shall be entered into the
9 records of the parking violations bureau. ~~[and, at the City's discretion, the default may be cured even~~
10 ~~after 15 days from the mailing of the notice of default by payment in full plus penalties but only if the~~
11 ~~payment is made before being sent to a contracted collection agency, or the default]~~ Defaulting
12 accounts, including collections agency fees, [may] shall be promptly sent to a contracted collection
13 agency, and once sent to a collection agency the default may only be cured by payment directly to the
14 collection agency.

15 ~~[D. —Hearing on the Merits. The recipient of a parking fine notification may request that a~~
16 ~~hearing be scheduled before a hearing officer.~~

17 ~~(1) —The hearing on the merits shall be held within fifteen (15) city business days~~
18 ~~of receipt of the request unless the hearing is continued with agreement of the parties.~~

19 ~~(2) —The hearing on the merits shall be informal and not bound by the technical~~
20 ~~rules of evidence.~~

21 ~~(3) —The hearing officer shall only determine whether there was a violation of~~
22 ~~Section 12-9-3 of the Uniform Traffic Ordinance.~~

23 ~~(4) —The hearing officer shall mail or deliver written notice of his or her decision~~
24 ~~to the owner within fifteen (15) city business days of the hearing.~~

25 ~~(5) —The registered owner is strictly and vicariously liable for the violation unless~~

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one (1) of the exceptions herein applies. If there is more than one (1) registered owner, all registered owners shall be jointly and severally liable.

E. ~~Defenses.~~ The respondent may present the following defenses in addition to any other defenses available under law and has the burden of proof concerning the defenses:

(1) ~~The vehicle was stolen or otherwise being driven without the registered owner's knowledge or permission at the time of the alleged violation. The registered owner shall have a police report pertaining to the theft to avail the owner of this defense.~~

(2) ~~The ownership of the vehicle had lawfully been transferred and conveyed from the registered owner to another person before the time of the alleged violation. To assert this defense, the registered owner shall identify the transferee and provide proof of conveyance.~~

(3) ~~The evidence does not show that a parking violation was committed involving the subject vehicle.~~

F. ~~Revenue.~~ The revenue generated through parking violations fines, hearings and collections shall be retained and distributed by the parking violations bureau. Each month, the parking violations bureau shall retain the gross total amount of penalties, fines, fees and costs assessed and collected that month and the parking violations bureau shall be responsible for paying all costs associated with the hearing officer, or a collection contract or other contractors that assist the city in imposing and collecting penalties or fines and costs or fees.]

Section 2. Section 12-11-3 of City of Santa Fe Uniform Traffic Ordinance (being Ordinance No. #2006-34, as amended) is amended to read:

12-11-3 WHEN [PERSON CHARGED] A RECIPIENT OF A PARKING VIOLATION CITATION MAY ELECT TO [APPEAR AT BUREAU OR BEFORE MUNICIPAL JUDGE] REQUEST A HEARING BEFORE A HEARING OFFICER.

A. This section applies to all violations of the Uniform Traffic Ordinance [except] for

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1 civil parking violations ~~[(parking meter violations and city parking lot and garage violations)]~~ as set
2 forth in Section 12-9-3 and 12-9-4 of the Uniform Traffic Ordinance.

3 B. Any person ~~[charged with an offense]~~ whose vehicle has been cited for a parking
4 violation for which payment of a fine may be made to the ~~[traffic]~~ parking violations bureau under the
5 foregoing provisions shall have the option of:

6 (1) pay~~[ing]~~ the fine within the time specified ~~[in]~~ on the citation or ~~[f]~~ notice ~~[of~~
7 ~~arrest]~~ at the ~~[traffic]~~ parking violations bureau ~~[upon entering a plea of guilty and upon~~
8 ~~waiving appearance in court]; or~~

9 (2) ~~[upon a plea of not guilty shall be entitled to a trial as authorized by law and~~
10 ~~depositing any bail required as provided in the Rules of Procedure for the Municipal Courts,~~
11 ~~adopted by the New Mexico Supreme Court, as amended]~~ request a hearing before a hearing
12 officer within fifteen (15) days from the date of issuance of the parking violation citation or
13 notice.

14 [B]C. For the purpose of this ordinance, the payment of a fine to the ~~[traffic]~~ parking
15 violations bureau shall be deemed an acknowledgment of ~~[conviction of the alleged offense. The~~
16 ~~traffic violations bureau, upon accepting the prescribed fine, shall issue a receipt to the violator~~
17 ~~acknowledging payment of the fine]~~ the parking violation.(*)

18 **Section 3. Schedule B, Civil Parking Violation Fines Schedule of City of Santa Fe**
19 **Uniform Traffic Ordinance (being Ordinance No. 2006-34, as amended) is amended to read:**

20 **SCHEDULE B**

21 **CIVIL PARKING VIOLATION FINES SCHEDULE**

22 ADOPTED: July 12, 2006

23 AMENDED: March 25, 2009 – Ord. #2009-11

24 December 10, 2014 – Ord. #2014-39

25 _____, 2015 – Ord. #2015-____

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SECTION 1.

This Exhibit may be cited as the city of Santa Fe civil parking violation fines schedule.

SECTION 2.

"Parking violation" means violation of the following listed sections of the city of Santa Fe Uniform Traffic Code for which the listed fine is established. The term "parking violation" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.

<u>COMMON NAME OF OFFENSE</u>	<u>SECTION VIOLATED</u>	<u>FINE</u>
Stopping, Standing or Parking Prohibited	12-6-6.1	\$ [27] 35
Additional Parking Regulations	12-6-6.2	\$ [21] 27
Stopped/Parked Vehicles Interferes with other Traffic	12-6-6.3	\$ [35] 42
Parking Alleys Prohibited	12-6-6.4	\$ [27] 35
All-Night Parking Prohibited	12-6-6.5	\$ [27] 35
Parking for Certain Purposes Prohibited	12-6-6.6	\$ [27] 35
Parking Adjacent to Schools Prohibited	12-6-6.7	\$ [27] 35
Parking Prohibited on Narrow Streets	12-6-6.8	\$ [27] 35
Standing or Parking on One-Way Streets	12-6-6.9	\$ [27] 35
Standing or Parking on Divided Streets	12-6-6.10	\$ [27] 35
Stopping, Standing or Parking/Hazardous Places	12-6-6.11	\$ [27] 35
Stopping, Standing or Parking/Certain Streets	12-6-6.12	\$ [27] 35
Angle Parking and Permits for Loading or Unloading at an Angle to the Curb	12-6-6.13	\$35
Stopping, Standing or Parking Business/Residence District	12-6-6.14	\$ [27] 35
Parking in Special Parking Area Without Permit	12-6-6.15	\$ [32] 35
Stopping, Standing or Parking/Freight Passenger Loading Zones	12-6-8.3	\$42
Loading Zones	12-6-8.4	\$ [37] 42

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Parking of Buses and Taxicabs	12-6-9.3	\$[37]42
Restricted Use of Bus and Taxicab Stands	12-6-9.4	\$[27]35
Unhitched Trailer on Street	12-6-13.3	\$[37]35
Parking Meter Space	12-9-3.3	\$[27]35
Parking Time Limits	12-9-3.4	\$[16]35
Deposit of Coins or Other Method of Payment	12-9-3.5	\$[16]35
Use of Slugs Prohibited	12-9-3.6	\$[16]35
Tampering with Meter	12-9-3.7	\$[16]35
Presumption of Unlawful Parking Violation Indicator is Showing Covered Parking Meter	12-9-3.8(A) 12-9-3.8(C)	\$[16]35 \$[27]35
Parking in Designated Disabled and Wheelchair Accessible Parking Spaces		
Parking in Designated Disabled and Wheelchair Accessible Parking Spaces	12-9-3.9(A)	\$250
Parking in Designated Disabled and Wheelchair Accessible Access Aisles	12-9-3.9(D)	\$250
Parking for Special Registration Plate or Placard Indicating Disability Parking is Prohibited	12-9-3.10(B)	\$[27]35
City Parking Lots and Garages – Failure to Pay Parking Fees	12-9-3.11	\$10 (max)
Display of Current Valid Registration Plate	12-10-4	\$[27]35
Abandoned Vehicles on Private Property	12-12-18	\$[15]35
<u>Immobilization Boot Fee</u>	<u>12-12-20</u>	<u>\$50</u>

SECTION 3. ~~[MUNICIPAL COURT FEES]~~ VEHICLE IMMOBILIZATION (BOOT)
PROGRAM

~~[The municipal court fees set forth in Section 1 3.2 Section SFCC 1987 shall not apply to parking violations set forth in Section 2 above.]~~ Vehicles with three (3) or more unpaid parking violation citations shall result in the booting of the vehicle as set forth in section 12-12-20 of the city of Santa Fe uniform traffic ordinance.

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1 **SECTION 4. PAYMENT OF FINES**

2 Fines shall be paid to the city:

3 (a) ~~by mailing a check or money order to city of Santa Fe parking violations bureau P.O.~~
4 ~~Box 909 Santa Fe New Mexico 87504 0909; or~~

5 (b) ~~by depositing a check, money order or cash in a yellow collection box located on~~
6 ~~parking meters around the down town area; or~~

7 (c) ~~by telephone with a city accepted form of credit card; or~~

8 (d) ~~online, on the city of Santa Fe website; or~~

9 (e) ~~in person at locations designated by the city.~~

10 ~~Upon receipt, the parking violations bureau shall issue a receipt for payment of the fine.~~

11 ~~Payment shall be received within 15 days of the date of citation; otherwise, the fine shall double.~~

12 ~~Failure to pay the fine may result in the booting of the vehicle as set forth in section 12-12-20 of the~~
13 ~~city of Santa Fe uniform traffic code adopted in section 24-1.1 SFCC 1987. An alleged violator may~~
14 ~~protest the charge of violation by filing the proper form to protest the violation with the municipal~~
15 ~~judge located at 2511 Camino Entrada within 30 days of the charge of violation. No fine imposed~~
16 ~~upon later conviction shall exceed the fine established for the particular parking violation.]~~

17 **SECTION 5. [MANDATORY COURT APPEARANCE]**

18 ~~[This parking violations fines schedule and the fines set forth in 12-9-4.5 do not apply to the~~
19 ~~following parking violations which requires a mandatory court appearance and a fine no less than two~~
20 ~~hundred fifty dollars (\$250) and no more than five hundred dollars (\$500):~~

21 ~~Parking in Designated Accessible Parking Space 12-9-3.9~~

22 ~~Special Registration Plate or Parking Placard Indicating Disability 12-9-3.10]~~

23 **Section 4. Effective Date.** This ordinance shall become effective January 1, 2016.

24
25
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1 APPROVED AS TO FORM:

2 

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2015/UTO Changes 2015 Final*

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